

Executive Summary – Enforcement Matter – Case No. 44659
Ascend Performance Materials Operations LLC
RN100238682
Docket No. 2012-1543-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ascend Performance Materials Chocolate Bayou Plant, on Farm-to-Market Road 2917, eight miles south of the intersection of State Highway 35 and Farm-to-Market Road 2917, Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 6, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$175,389

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$87,695

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$87,694

Name of SEP: Brazoria County

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: 62,500

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 44659
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RN100238682
Docket No. 2012-1543-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 27, 2012, June 21, 2012, October 8, 2012 through October 16, 2012, and November 1, 2012 through December 10, 2012

Date(s) of NOE(s): July 20, 2012, October 9, 2012, December 7, 2012, February 1, 2013 and February 21, 2013.

Violation Information

1. Failed to prevent unauthorized emissions during an excessive emissions event that began on March 30, 2012 (Incident No. 166865) [30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), New Source Review (“NSR”) Permit No. 48895, Special Conditions (“SC”) No. 1, and Federal Operating Permit (“FOP”) No. O-2325, Special Terms and Conditions (“STC”) No. 19].
2. Failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 16, 2012 (Incident No. 168543) [30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. O-2325, STC No. 19].
3. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O-2321, General Terms and Conditions].
4. Failed to submit a startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe [30 TEX. ADMIN. CODE §§101.20(2), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), 40 CFR §63.10(d)(5)(i), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5].
5. Failed to submit the excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe [30 TEX. ADMIN. CODE §§101.20(2), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), 40 CFR §63.10(e)(3)(v), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5].
6. Failed to perform quarterly visible emission observations [30 TEX. ADMIN. CODE §122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O-2321, STC Nos. 3(A)(iv)(1) and 3(B)(iv)(1)].
7. Failed to maintain the flare net heating value above 300 British Thermal Units per standard cubic foot for Flare Nos. 30Z7 and 31Z4 [30 TEX. ADMIN. CODE §§101.20(1) and (2), 115.126(1)(B), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b),

Executive Summary – Enforcement Matter – Case No. 44659
Ascend Performance Materials Operations LLC
RN100238682
Docket No. 2012-1543-AIR-E

40 CFR §§60.18(c)(3)(ii) and 63.11(b)(6)(ii), FOP No. O-2321, STC No. 1.A., and NSR Permit Nos. 18251 and N-011, SC Nos. 5 and 19A].

8. Failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 29, 2012 (Incident No. 168998) [30 TEX. ADMIN. CODE §116.115(c), TEX. HEALTH & SAFETY CODE §382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. O-2325, STC No. 19].

9. Failed to prevent unauthorized emissions during an excessive emissions event that occurred on September 1, 2012 (Incident No. 173029) [30 TEX. ADMIN. CODE §116.115(c), TEX. HEALTH & SAFETY CODE §382.085(b), and NSR Permit Nos. 18251 and N-011, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On February 7, 2012, submitted the following reports:
 - i. The startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period; and
 - ii. The excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period.
- b. On March 9, 2012, increased the net heating value for Flare Nos. 31Z4 and 30Z7 above 300 BTU/scf.
- c. On April 1, 2012, implemented operational and administrative procedures to ensure that the required visible emission observations are conducted.
- d. On July 4, 2012, completed the following corrective measures as indicated in the corrective action plan ("CAP") dated September 21, 2012 in order to prevent a recurrence of similar emissions events as Incident Nos. 166865, 168543, and 168998:
 - i. Rebuilt the heat exchangers;
 - ii. Replaced the carbon steel tubes with stainless steel supports;
 - iii. Added additional tube supports to mitigate vibration issues that might affect the structural integrity of the replacement tube supports;
 - iv. Replaced the carbon steel distributor plates with stainless steel;
 - v. Eliminated the top row of tubes to allow greater spacing between the remaining tubes and distributor plates; and
 - vi. Eliminated ten tubes in each exchanger bundle to serve as inspection ports.

Executive Summary – Enforcement Matter – Case No. 44659
Ascend Performance Materials Operations LLC
RN100238682
Docket No. 2012-1543-AIR-E

- e. On September 21, 2012, submitted a CAP to address the excessive emissions events that began on March 30, 2012 (Incident No. 166865), on May 16, 2012 (Incident No. 168543), and on May 29, 2012 (Incident No. 168998);
- f. On March 12, 2013, received Commission approval for the CAP dated September 21, 2012; and
- g. On June 21, 2013, submitted a CAP to address the excessive emissions event that began on September 1, 2012 (Incident No. 173029).

Technical Requirements:

- 1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The order will also require Respondent to:
 - a. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP dated June 21, 2013 within 15 days after the date of such requests, or by any other deadline specified in writing;
 - b. Within 30 days, implement improvements to the recordkeeping system to ensure that deviation reports are submitted in an accurate and timely manner;
 - c. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision b., as described in Ordering Provision f.;
 - d. Upon Commission approval, implement the CAP dated June 21, 2013 in accordance with the approved schedule;
 - e. Within 15 days upon completion of the implementation of the CAP dated June 21, 2013, submit written certification to demonstrate compliance with Ordering Provision d., as described in Ordering Provision f.; and
 - f. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c. and e.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A

Executive Summary – Enforcement Matter – Case No. 44659
Ascend Performance Materials Operations LLC
RN100238682
Docket No. 2012-1543-AIR-E

SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2603; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Paul Cartledge, Plant Manager, Ascend Performance Materials
Operations LLC, P.O. Box 711, Alvin, Texas 77512-0711
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1543-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials Operations LLC
Penalty Amount:	One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389)
SEP Offset Amount:	Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Brazoria County
Project Name:	<i>Brazoria County Vehicle and Equipment Program</i>
Location of SEP:	Brazoria County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *Brazoria County Vehicle and Equipment Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

Retirement of Vehicles. The Third-Party Administrator shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current U.S. Environmental Protection Agency ("EPA") low-emission standards. The Third-Party Administrator shall ensure that equipment and vehicles being retired are operational and

that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Administrator shall submit proof of registration, decommissioning, and scrappage by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Administrator shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the EPA or the California Air Resources Board ("CARB") as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, the Third-Party Administrator shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas, and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by the older

replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Brazoria County
Attention: Richard Hurd
313 West Mulberry
Angleton, Texas 77515

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Jul-2012	Screening	31-Jul-2012	EPA Due	16-Apr-2013
	PCW	1-Aug-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Ascend Performance Materials Operations LLC				
Reg. Ent. Ref. No.	RN100238682				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	44659	No. of Violations	1
Docket No.	2012-1543-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	329.0% Enhancement	Subtotals 2, 3, & 7	\$16,450
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Notes: Enhancement for eight agreed orders with denial of liability, two agreed orders without denial of liability, 18 NOVs with same/similar violations, and 18 NOVs with dissimilar violations. Reduction for five Notices of Intent to conduct audit and one Disclosure of Violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,250
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts \$52
Approx. Cost of Compliance \$1,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$20,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,200
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$20,200
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Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 2 (September 2002)

Case ID No. 44659

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	18	90%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 329%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight agreed orders with denial of liability, two agreed orders without denial of liability, 18 NOVs with same/similar violations, and 18 NOVs with dissimilar violations. Reduction for five Notices of Intent to conduct audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 329%

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 2 (September 2002)

Case ID No. 44659

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (2), 115.126(1)(B), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations §§ 60.18(c)(3)(II) and 63.11(b)(6)(II), Federal Operating Permit No. O-2321, Special Terms and Conditions No. 1-A, and New Source Review Permit Nos. 18251 and N-011, Special Conditions Nos. 5 and 19A

Violation Description

Failed to maintain the flare net heating value above 300 British Thermal Units/standard cubic foot ("BTU/scf") for Flare Nos. 30Z7 and 31Z4. Specifically, the net heating value for Flare No. 31Z4 dropped below 300 BTU/scf on July 2, 2011 for one hour and on July 24, 2011 for two hours. The net heating value for Flare No. 30Z7 dropped below 300 BTU/scf on June 3, 2011 for five hours and on June 4, 2011 for nine hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

4 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended (one per flare).

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

The Respondent returned to compliance on March 9, 2012 and the NOE is dated December 7, 2012.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$20,200

This violation Final Assessed Penalty (adjusted for limits) \$20,200

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
Case ID No.: 44659
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	2-Jul-2011	9-Mar-2012	0.69	\$52	\$0	\$52

Notes for DELAYED costs

Estimated cost to maintain the flares above the 300 BTU/scf net heating value limit. The Date Required is the date of the first violation and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$52



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	23-Jul-2012	Screening	31-Jul-2012	EPA Due	16-Apr-2013
	PCW	27-Jun-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Ascend Performance Materials Operations LLC				
Reg. Ent. Ref. No.	RN100238682				
Facility/Site Region	12-Houston		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	44659	No. of Violations	9
Docket No.	2012-1543-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$120,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$120,750
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Notes: Enhancement for eight agreed orders with denial of liability, two agreed orders without denial of liability, 18 NOVs with same/similar violations, and 18 NOVs with dissimilar violations. Reduction for five Notices of Intent to conduct audit and one Disclosure of Violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$23,811
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$13,262
Approx. Cost of Compliance \$250,750
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$217,689
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OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$217,689
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$155,189
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DEFERRAL

0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$155,189

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	18	90%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 329%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight agreed orders with denial of liability, two agreed orders without denial of liability, 18 NOVs with same/similar violations, and 18 NOVs with dissimilar violations. Reduction for five Notices of Intent to conduct audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 329%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 48895, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-2325, Special Terms and Conditions ("STC") No. 19

Violation Description

Failed to prevent unauthorized emissions during an excessive emissions event that began on March 30, 2012 (Incident No. 166865). Specifically, 20,673.82 pounds ("lbs") of acrylonitrile ("AN"), 2,282.14 lbs of hydrogen cyanide ("HCN"), and 91.19 lbs of volatile organic compounds ("VOC") were released from Cooling Tower No. 6 ("CT6"), Emission Point No. ("EPN") 70382E6, during the event that lasted 167 hours and 44 minutes. The event occurred due to an unintentional partial cut made on the heat exchanger tube during a maintenance activity conducted by contractors in October 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on modeling data provided by the Respondent, the short-term Effects Screening Levels ("ESL") for AN and HCN were exceeded; therefore, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1

7 Number of violation days

mark only one
with an x

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One weekly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$6,250

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on July 4, 2012 and the NOE is dated July 20, 2012.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,301

Violation Final Penalty Total \$43,750

This violation Final Assessed Penalty (adjusted for limits) \$43,750

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC

Case ID No.: 44659

Reg. Ent. Reference No.: RN100238682

Media: Air

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$125,000	30-Mar-2012	4-Jul-2012	0.26	\$110	\$2,192	\$2,301
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling				0.00	\$0		\$0
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated costs to replace/rebuild the heat exchanger tubes and to implement a corrective action plan in order to prevent another occurrence of this type of emissions event. The Date Required is the date the emissions event began. The Final Date is the date reconstruction and rehabilitation activities were completed and the operating unit was restarted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125,000

TOTAL

\$2,301

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. O-2325, STC No. 19

Violation Description

Failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 16, 2012 (Incident No. 168543). Specifically, 8,143.29 lbs of AN, 2,825.63 lbs of HCN and 508.33 lbs of VOC were released from CT6 during the event that lasted 8 hours and 45 minutes. The event occurred due to corrosion/erosion of the heat exchanger's steel support baffles causing the tubes to fail, resulting in a leak from CT6.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on modeling data provided by the Respondent, the short-term ESLs for AN and HCN were exceeded; therefore, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$6,250

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on July 4, 2012 and the NOE is dated October 9, 2012.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total \$43,750

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
 Case ID No. 44659
 Reg. Ent. Reference No. RN100238682
 Media: Air
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

See the Economic Benefit on Violation No. 1 of this PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O-2321, General Terms and Conditions

Violation Description

Failed to report all instances of deviations. Specifically, in the December 29, 2011 semi-annual deviation report, the Respondent did not disclose the failure to conduct quarterly visible emission observations for the Solid Waste Treatment Unit and the Acrylonitrile Unit 3 Catalyst Transfer Operations during the third quarter of 2011. In the May 30, 2012 semi-annual deviation report, the Respondent did not disclose the late submittal of the startup, shutdown, and malfunction report, and the excess emissions and monitoring system performance report submitted as part of the 40 Code of Federal Regulations ("CFR") Part 63, Subpart EEE Hazardous Waste Combustor Maximum Achievable Control Technology report dated February 6, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

214 Number of violation days.

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semi-annual	
	annual	
	single event	X

Violation Base Penalty \$500

Two single events are recommended based on the two incomplete reports that were submitted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
Case ID No.: 44659
Req. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System	\$250	30-Dec-2011	31-Oct-2013	1.84	\$23		\$23
Training/Sampling				0.00	\$0		\$0
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated cost for improving the recordkeeping system for submittal of complete and accurate deviation reports. The Date Required is the date the first semi-annual deviation report was due and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$23

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.10(d)(5)(I), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5

Violation Description

Failed to submit a startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe. Specifically, the report was due by January 30, 2012 but was not submitted until February 7, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

8 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		((mark with x))

Notes

The Respondent returned to compliance on February 7, 2012 and the NOE is dated December 7, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
Case ID No.: 44659
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No continues of \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System	\$250	30-Jan-2012	7-Feb-2012	0.02	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost for improving the recordkeeping system for timely submittal of reports. The Date Required is the date the startup, shutdown, and malfunction report was due and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.10(e)(3)(v), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5

Violation Description

Failed to submit the excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe. Specifically, the report was due by January 30, 2012 but was not submitted until February 7, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

8 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X	
	(mark with x)

The Respondent returned to compliance on February 7, 2012 and the NOE is dated December 7, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
Case ID No.: 44659
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

See the Economic Benefit from Violation No. 4.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O-2321, STC Nos. 3(A)(iv)(1) and 3(B)(iv)(1)

Violation Description

Failed to perform quarterly visible emission observations during the third quarter of 2011 (July 1, 2011 to September 30, 2011) for the Acrylonitrile Unit 3 Catalyst Transfer Operations and the Solid Waste Treatment Unit, during the fourth quarter of 2011 (October 1, 2011 to December 31, 2011) for the Acrylonitrile Unit 3 Catalyst Transfer Operations and the Solid Waste Treatment Unit, and during the first quarter of 2012 (January 1, 2012 to March 31, 2012) for the Solid Waste Treatment Unit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential			X

Percent 7.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 3

183 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,250

Three single events are recommended, based on the number of quarters that visible emission observations were not conducted.

Good Faith Efforts to Comply

25.0% Reduction

\$1,312

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent returned to compliance on April 1, 2012 and the NOE is dated December 7, 2012.

Violation Subtotal \$3,938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$9,188

This violation Final Assessed Penalty (adjusted for limits) \$9,188

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC

Case ID No. 44659

Reg. Ent. Reference No. RN100238682

Media Air

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas on #							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$250	30-Sep-2011	1-Apr-2012	0.50	\$6	\$0	\$6

Notes for DELAYED costs

Estimated costs of implementing procedures to ensure quarterly visible emission observations are being conducted. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$6

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (2), 115.126(1)(B), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR §§ 60.18(c)(3)(II) and 63.11(b)(6)(II), FOP No. O-2321, STC No. 1.A., and NSR Permit Nos. 18251 and N-011, SC Nos. 5 and 19A

Violation Description

Failed to maintain the flare net heating value above 300 British Thermal Units/standard cubic foot ("BTU/scf") for Flare Nos. 3027 and 3124. Specifically, the net heating value for Flare No. 3124 dropped below 300 BTU/scf on September 25, 2011 for one hour and on October 13, 2011 for one hour. The net heating value for Flare No. 3027 dropped below 300 BTU/scf on March 9, 2012 for one hour.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

2

3

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended (one for each flare).

Good Faith Efforts to Comply

25.0%

Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent returned to compliance on March 9, 2012 and the NOE is dated December 7, 2012.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
Case ID No.: 44659
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

See the Economic Benefit on Violation No. 1 of the accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

PCW

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No. 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. O-2325, STC No. 19

Violation Description

Failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 29, 2012 (Incident No. 168998). Specifically, 2,660.67 lbs of AN, 381.5 lbs of HCN, 177.79 lbs of acrolein ("AR"), and 29.15 lbs of acetonitrile ("ACN") were released from CT6 during the event that lasted 2 hours and 40 minutes. The event occurred due to corrosion/erosion of the heat exchanger's steel support baffles causing the tubes to fall, resulting in a leak from CT6.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on modeling data provided by the Respondent, the short-term ESLs for AN, HCN, and AR were exceeded; therefore, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

1

1

Number of violation days

mark only one
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$6,250

Extraordinary

Before NOV

NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent returned to compliance on July 4, 2012 and the NOE is dated February 1, 2013.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$43,750

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
 Case ID No. 44659
 Reg. Ent. Reference No. RN100238682
 Media: Air
 Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

See the Economic Benefit on Violation No. 1 of this PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date: 31-Jul-2012

Docket No.: 2012-1543-AIR-E

PCW

Respondent: Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011)

Case ID No.: 44659

PCW Revision August 3, 2011

Reg. Ent. Reference No.: RN100238682

Media [Statute]: Air

Enf. Coordinator: Heather Podilpny

Violation Number: 9

Rule Cite(s): 30 Tex. Admin. Code § 116.115(c); Tex. Health & Safety Code § 382.085(b); and NSR Permit Nos. 18251 and N-011, SC No. 1

Violation Description

Failed to prevent unauthorized emissions during an excessive emissions event that occurred on September 1, 2012 (Incident No. 173029). Specifically, 13,209.79 lbs of AN, 1,068.02 lbs of carbon monoxide, 92.59 lbs of ACN, 544.98 lbs of propane, 75.09 lbs of propylene, and 96.72 lbs of HCN were released from the Acrylonitrile Unit 2 Waste Heat Boiler ("WHB") EPN 30H5 during the event that lasted 21 minutes. The event occurred when AN process material containing organics entered the condensate outlet stream through a leak in heat exchanger EPN 30E21, and migrated into the absorber column. The contaminants eventually discharged into the WHB, where they were combusted, causing a temperature spike in the WHB. The WHB tripped off-line, and the absorber off-gas was diverted away through a vent, resulting in the release of the unauthorized emissions.

Base Penalty: \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent: 100.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent: 0.0%

Matrix Notes

Based on modeling data provided by the Respondent, the short-term ESL for AN was exceeded; therefore, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment: \$0

\$25,000

Violation Events

Number of Violation Events: 1

Number of violation days: 1

mark only one with an x

Daily	x
Weekly	
Monthly	
Quarterly	
Semiannual	
Annual	
Sixteen	

Violation Base Penalty: \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal: \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$10,932

Violation Final Penalty Total: \$50,000

This violation Final Assessed Penalty (adjusted for limits): \$25,000

Economic Benefit Worksheet

Respondent: Ascend Performance Materials Operations LLC
 Case ID No: 44659
 Reg. Ent. Reference No: RN100238682
 Media: Air
 Violation No: 9

Percent Interest: 5.0
 Years of Depreciation: 15

Item Cost: Date Required: Final Date: Yrs: Interest Saved: Onetime Costs: EB Amount:
 Item Description: (No commas or \$)

Delayed Costs

Equipment	\$125,000	1-Sep-2012	1-Dec-2013	1.25	\$521	\$10,411	\$10,932
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling				0.00	\$0		\$0
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated costs to replace/rebuild the heat exchanger tubes and to implement a corrective action plan in order to prevent another occurrence of this type of emissions event. The Date Required is the date the emissions event began. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125,000

TOTAL

\$10,932

Compliance History Report

Customer/Respondent/Owner-Operator:

CN603482811

Ascend Performance Materials
Operations LLC

Classification: AVERAGE

Rating: 5.30

Regulated Entity:

RN100238682

ASCEND PERFORMANCE
MATERIALS CHOCOLATE BAYOU
PLANT

Classification: AVERAGE

Site Rating: 7.59

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0038U
AIR OPERATING PERMITS	PERMIT	1258
AIR OPERATING PERMITS	PERMIT	2318
AIR OPERATING PERMITS	PERMIT	2319
AIR OPERATING PERMITS	PERMIT	2321
AIR OPERATING PERMITS	PERMIT	2322
AIR OPERATING PERMITS	PERMIT	2323
AIR OPERATING PERMITS	PERMIT	2324
AIR OPERATING PERMITS	PERMIT	2325
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30138
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD001700806
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50189
POLLUTION PREVENTION PLANNING	ID NUMBER	P00445
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
WASTEWATER	PERMIT	WQ0000001000
WASTEWATER	EPA ID	TX0003875
AIR NEW SOURCE PERMITS	PERMIT	2271
AIR NEW SOURCE PERMITS	PERMIT	5084
AIR NEW SOURCE PERMITS	PERMIT	6534
AIR NEW SOURCE PERMITS	PERMIT	18251
AIR NEW SOURCE PERMITS	REGISTRATION	28694
AIR NEW SOURCE PERMITS	PERMIT	32151
AIR NEW SOURCE PERMITS	REGISTRATION	34029
AIR NEW SOURCE PERMITS	PERMIT	38336
AIR NEW SOURCE PERMITS	PERMIT	38998
AIR NEW SOURCE PERMITS	PERMIT	39171
AIR NEW SOURCE PERMITS	PERMIT	48895
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0038U
AIR NEW SOURCE PERMITS	AFS NUM	4803900009
AIR NEW SOURCE PERMITS	EPA ID	PSDTX307A
AIR NEW SOURCE PERMITS	EPA ID	PSDTX910
AIR NEW SOURCE PERMITS	REGISTRATION	91893
AIR NEW SOURCE PERMITS	REGISTRATION	72689
AIR NEW SOURCE PERMITS	REGISTRATION	74040
AIR NEW SOURCE PERMITS	REGISTRATION	73707
AIR NEW SOURCE PERMITS	REGISTRATION	74788
AIR NEW SOURCE PERMITS	REGISTRATION	77064
AIR NEW SOURCE PERMITS	REGISTRATION	77079
AIR NEW SOURCE PERMITS	REGISTRATION	78148
AIR NEW SOURCE PERMITS	REGISTRATION	80379
AIR NEW SOURCE PERMITS	REGISTRATION	91882
AIR NEW SOURCE PERMITS	REGISTRATION	80616
AIR NEW SOURCE PERMITS	REGISTRATION	83875
AIR NEW SOURCE PERMITS	REGISTRATION	83109
AIR NEW SOURCE PERMITS	PERMIT	N011
AIR NEW SOURCE PERMITS	REGISTRATION	89881
AIR NEW SOURCE PERMITS	REGISTRATION	91873
AIR NEW SOURCE PERMITS	REGISTRATION	93079
AIR NEW SOURCE PERMITS	REGISTRATION	92085
AIR NEW SOURCE PERMITS	REGISTRATION	93222
AIR NEW SOURCE PERMITS	REGISTRATION	92173
AIR NEW SOURCE PERMITS	REGISTRATION	93420
AIR NEW SOURCE PERMITS	REGISTRATION	94736
AIR NEW SOURCE PERMITS	REGISTRATION	96419
AIR NEW SOURCE PERMITS	REGISTRATION	96855
AIR NEW SOURCE PERMITS	REGISTRATION	101954
RADIOACTIVE WASTE DISPOSAL	LICENSE	RW0219
UNDERGROUND INJECTION CONTROL	PERMIT	WDW013
UNDERGROUND INJECTION CONTROL	PERMIT	WDW224

UNDERGROUND INJECTION CONTROL	PERMIT	WDW318
UNDERGROUND INJECTION CONTROL	PERMIT	WDW326
UNDERGROUND INJECTION CONTROL	PERMIT	WDW359
STORMWATER	PERMIT	TXR05Y499
WATER LICENSING	LICENSE	0200049
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30138
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	79885
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0038U

Location:

LOCATED ON FARM-TO-MARKET ROAD 2917 APPROXIMATELY 8 MILES SOUTH OF THE INTERSECTION OF STATE HIGHWAY 35 & FARM-TO-MARKET ROAD 2917, ALVIN

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

August 01, 2012

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

August 01, 2007 to August 01, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Heather Podlipny

Phone:

239 - 2603

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/19/2007

ADMINORDER 2005-0166-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report the November 17, 2004 emissions event within 24 hours after its discovery. Specifically, the emissions event that was discovered on November 17, 2004 was not reported until December 22, 2004 as documented during an investigation conducted from April 22, 2005 to May 2, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251, SC#4 PA

Description: Failure to comply with permitted emissions limits during an emisissions event on November 17, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02317, ST&C 3A(III) OP

Description: Failure to maintain records documenting quarterly opacity observations of tank 55T12 and scrubber 55K1, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA Unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records documenting the VOC concentration of the exhaust gas associated with 578T5 in order to demonstrate proper function of the carbon canister control equipment, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR 2271, GC 8 PERMIT

Description: Failure to comply with the permitted short-term ammonia emissions limits for scrubber 55K1, as reported in a deviation report for the period of December 1, 2004 through May 31, 2005 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 2271, GC 1 PERMIT

Description: Failure to comply with the permit representations relating to annual HTMA production, annual ammonia usage, and annual ammonia production, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include the following emission units in the Title V application: 55S101, 55S102, 55S103, and 55S104.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the carbon absorption system on wastewater tank 57T5 prior to installation, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 1 OP

Description: Failure to operate residue strip tank 57T34 on June 12 and 28, 2004 and August 16, 2004 within temperature ranges specified in the permit application, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 8 OP

Description: Failure to include all gas streams going to vent condenser 57E22 from exceeding rolling annual permitted emissions limits, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18251 and N-011, SC No. 4 PA

Description: Failure to prevent unauthorized emissions during an October 9, 2005 emissions event.

Effective Date: 01/28/2008

ADMINORDER 2006-1599-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during a January 11, 2004 emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 18251, SC No. 4 PERMIT

prevent unauthorized emissions during an emissions event that started on November 15, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 2, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Solutia failed to submit an emissions event report within 24 hours after discovery of the event, Incident No. 68042. Specifically, the emissions event was discovered on November 12, 2005 at 0944, but was not reported until November 15, 2005 at 1441.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 18251, Special Condition No. 4 PERMIT

Description: Solutia failed to prevent unauthorized emissions during an emissions event, Incident 68043, that occurred on November 12, 2005 and lasted 1 hour and 25 minutes.

Effective Date: 05/18/2009

ADMINORDER 2008-0062-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02319 General Terms and Conditions OP

Description: Failed to submit the Annual Compliance Certification for the period of beginning November 29, 2004 through November 28, 2005, with the required certification language. In addition, Solutia failed to identify this deficiency in the semi-annual deviation report for the time period of November 28, 2005 through May 28, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 98.7 pounds ("lbs") of hydrogen cyanide, 357.4 lbs of acrylonitrile, and 5 lbs of acrolein were released when Solutia failed to open the manual block valve during crossover of Acrylonitrile Unit 3 off gas to the Acrylonitrile Unit 2 Waste Heat Boiler resulting in the over pressure of the system, causing an emissions event which began on August 5, 2007, and lasted for five minutes (Incident No. 95610)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification within 24 hours of discovery of an emissions event that started on August 5, 2007. Specifically, the incident started and ended on August 5, 2007, but the initial notification was not submitted until August 8, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 4 OP

Description: Failed to comply with a permit limit of 4.50 pounds per hour ("lbs/hr") for NOx emissions from the AN-7 Process Air Startup Heater ("70H101-1"). Specifically, it was determined that NOx emissions from 70H101-1 were 5.39 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8000
5C THSC Chapter 382 382.085(b)

Description: Failed to test for compliance with the carbon monoxide ("CO") emission limits for 70H101-1 during the reference method stack test conducted on February 19, 2007.

Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on September 26, 2007. Specifically, approximately 189 lbs of acrylonitrile ("AN"), 308 lbs of hydrogen cyanide ("HCN"), and 258 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the 36 minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on October 30, 2007. Specifically, approximately 99 lbs of acrylonitrile ("AN"), 210 lbs of hydrogen cyanide ("HCN"), and 535 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the one hour and nine minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions on November 26, 2007 when the secondary pump, Pump 350P1-3 failed to start automatically when the primary boiler feed water pump, Pump 350P1-2 failed. Specifically, during the emissions event which lasted five minutes, the total unauthorized emissions were 355.59 lbs of VOCs and 50.54 lbs of hydrogen cyanide.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit 6534, Special Condition 1 PERMIT

Description: Failed to comply with the combined maximum allowable emission rate ("MAER") for NOx for seven Linear Alkyl Benzene ("LAB") Unit heaters during stack testing conducted on February 27-28, 2007 and March 1-2 and 14, 2007. Specifically, the combined NOx MAER for Heaters 50H1-1, 50H1-2, 50H1-3, 50H3, 51H1, 51H5 and 51H6 is 18.0 lbs/hr. During testing, the actual combined rate was 21.85 lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Permit 38336 Special Condition 4 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a reference method stack test conducted on March 28, 2008, it was determined that NOx and CO emissions from the AN-7 Process Air Startup Heater, EPN 70H101-2 were 8.62 lbs/hr and 13.47 lbs/hr respectively. The emission limits for this EPN are 4.50 lbs/hr for NOx and 6.0 lbs/hr for CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 18251/Special Condition No.4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 2, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for 37 minutes and resulted in the release of 166 lbs of propylene. The emission limits for the EPN are 4.01 lbs/hr for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emission event occurred on February 29, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for one hour and 43 minutes and resulted in the release of 15.20 lbs of hydrogen cyanide ("HCN") and 526.80 lbs of propylene. The emission limits for this EPN are 1.26 lbs/hr for HCN and 4.01 lbs/hr for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 27, 2008 due to a loss of air flow from operator error at EPN 30H5, which lasted for one hour and 51 minutes and resulted in the release of 4,057 lbs of VOC, 4,714 lbs of CO and 61 lbs of hydrogen

e emission limits for this EPN are 3.57 lbs/hr for VOC, 31 lbs/hr for CO and 1.28 lbs/hr for HCN.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report an emissions event. Specifically, the final report for the March 27, 2008 emissions event did not contain the authorized limits for several pollutants that were involved in the event.

Effective Date: 07/31/2011

ADMINORDER 2009-1997-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from Emission Point Number 70Z40.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report the July 19, 2009 emissions event,

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02325, GT&C OP

Description: Failed to submit complete and accurate semi-annual deviation reports for the June 1, 2008 through November 30, 2008 and December 1, 2008 through May 31, 2009 reporting periods.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter H 116.770(a)
5C THSC Chapter 382 382.0518(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to obtain proper authorization to operate a previously grandfathered emissions source.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02325 STC 19(B) OP

Description: Failed to timely incorporate New Source Review Permit No. 48895 into Federal Operating Permit No. O-02325.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Speical Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event from the Acrylnitrile 7 Unit and Acrylonitrile 2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event on the Acrylonitrile 2 Unit Product Purification Column pad area.

Effective Date: 08/13/2011

ADMINORDER 2010-1828-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 142163.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Terms & Conditions No. 8 OP

Description: Failed to comply with the combined 2.79 tons per year sulfuric acid mist emission rate for incinerator scrubbers 337H1 and 337H2.

Effective Date: 08/27/2011

ADMINORDER 2010-0088-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 08/27/2011

ADMINORDER 2011-0222-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 145043. This emissions event was determined to be excessive.

Effective Date: 04/23/2012

ADMINORDER 2011-1808-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1258, ST&C 19 OP
NSR Permit No. 2271, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions of 4,793.00 pounds of ammonia from pressure relief valve PSV-316 during an emissions event (Incident No. 155268) lasting 3 hours and 50 minutes on June 4, 2011.

Effective Date: 06/08/2012

ADMINORDER 2011-1185-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2321 OP

Description: Failed to submit the Hazardous Waste Combustion MACT reports within 30 days of the end of each semiannual period. Specifically, the reports for the periods of January 1, 2009 through June 30, 2009 and July 1, 2009 through December 31, 2009 were submitted under one cover letter on August 6, 2010.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2321, GT&C OP
FOP O2321, ST&C 3.B.iv.3. OP

Description: Failed to record all quarterly visible emissions observations for Heaters 30H1, 31H1-1, and 31H1-2.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2321, ST&C 1.A. OP
FOP O2321, ST&C 18 OP
NSR Permit Nos. 18251 and N-011, SC 19.E PERMIT

Description: Failed to operate the flare flow meter for the AN2 flare, EPN 30Z7, at least 95% of the total hours of operation in 2009. The flow meter was obstructed from June 28, 2009 through November 11, 2009, resulting in a total downtime of 3,556 hours for the year, which is 59.4% of the hours of operation in 2009.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2321, ST&C 1.A. OP
FOP O2321, TT&C 18 OP
NSR Permit Nos. 18251 and N-011, SC 3 PERMIT
NSR Permit Nos. 18251 and N-011, SC 5 PERMIT

Description: Failed to maintain the net heating value of two flares (EPNs 30Z7 and 31Z4) above 300 Btu/scf for a total of nine hours between October 7, 2009 and April 27, 2010 (see table below).

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2321, GT&C OP
General Terms and Conditions OP

Description: Failed to report all deviations in the semiannual deviation reports. A total of 9 open-ended lines were discovered from January 12 through 15, 2009. These open-ended lines should have been reported in the deviation report due by June 30, 2009; however, they were never reported. Additionally, the Respondent failed to report the late submittal of Hazardous Waste Combustor MACT semiannual reports in the above-referenced report and in the reports due by December 30, 2009 and June 30, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2321, ST&C 1.A. OP
FOP O2321, ST&C 18 PERMIT
NSR Permit Nos. 18251 and N-011, SC 13.E PERMIT
NSR Permit Nos. 18251 and N-011, SC 15.E PERMIT
NSR Permit Nos. 18251 and N-011, SC 3.A. PERMIT
NSR Permit Nos. 18251 and N-011, SC5 PERMIT

Description: Failed to plug or cap an open-ended line which was discovered on October 15, 2010. The open-ended line was in hazardous air pollutant service and in highly-reactive volatile organic compound ("HRVOC") service. The Respondent capped the open-ended line on the day they were discovered.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.335(e)
30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2321, ST&C 1.A. OP
FOP O2321, ST&C 21 OP

Description: Failed to conduct a stack test of the second start-up heater (EPN 31H1-2) for the AN3 unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 02321, ST&C 1.A. OP

Description: Failed to quarterly monitor caps, plugs, and blind flanges in HRVOC service. The AN2 and AN3 units have a combined 414 potential open ends (caps, plugs, and blind flanges) in HRVOC service. These components were listed in the Plant's database as exempt from monitoring in error, and were not monitored from the second quarter of 2009 until the fourth quarter of 2010.

Effective Date: 06/22/2012

ADMINORDER 2011-2133-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Term & Condition 18 OP
Special Terms & Conditions No. 17 OP

Description: Failed to prevent unauthorized emissions during an event on July 24, 2011 (Incident No. 157167). Specifically, the Respondent released 1,198.19 pounds of acrylonitrile, 177.56 lbs of hydrogen cyanide, 15.20 lbs of ammonia, and 39 lbs of carbon monoxide from the Acrylonitrile Unit 2 Flare, Acrylonitrile Unit 2 Waste Heat Boiler, Acrylonitrile Unit 3 Waste Heat Boiler, Purification Flush Tank Scubber, and Waste Heat Boiler during the 10 hour 24 minute event.

B. Any criminal convictions of the state of Texas and the federal government. N/A

C. Chronic excessive emissions events. N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/19/2012	(1003459)
2	05/30/2012	(1007707)
3	05/31/2012	(1007710)
4	05/31/2012	(1007720)
5	05/31/2012	(1007723)
6	05/31/2012	(1007725)
7	07/24/2012	(1007991)
8	07/20/2012	(1008335)
9	04/16/2012	(1010023)
10	07/26/2012	(1016343)
11	05/15/2012	(1016418)
12	07/19/2012	(1020590)
13	09/28/2007	(565072)
14	10/04/2007	(565781)
15	08/28/2007	(566965)
16	08/28/2007	(566968)
17	08/17/2007	(571113)
18	08/17/2007	(571116)
19	08/17/2007	(571117)
20	08/17/2007	(571120)
21	08/17/2007	(571122)
22	08/30/2007	(571497)
23	08/29/2007	(572199)
24	08/22/2007	(573057)
25	09/27/2007	(593895)
26	10/16/2007	(594030)
27	09/27/2007	(594475)
28	08/28/2008	(595601)
29	01/28/2008	(595602)

30	02/04/2008	(595610)
31	12/03/2007	(595635)
32	11/05/2007	(597652)
33	11/01/2007	(598289)
34	11/01/2007	(598293)
35	12/17/2007	(599351)
36	12/17/2007	(599355)
37	11/06/2007	(599382)
38	10/31/2007	(607507)
39	09/20/2007	(607508)
40	10/19/2007	(607509)
41	01/29/2008	(609295)
42	02/14/2008	(609298)
43	12/14/2007	(609886)
44	12/17/2007	(610670)
45	12/20/2007	(611710)
46	12/20/2007	(611714)
47	04/21/2008	(612070)
48	02/15/2008	(612072)
49	04/03/2008	(615836)
50	03/18/2008	(615838)
51	02/13/2008	(615839)
52	02/13/2008	(615859)
53	03/11/2008	(616438)
54	04/25/2008	(616540)
55	04/03/2008	(617714)
56	02/15/2008	(618125)
57	04/11/2008	(618763)
58	11/15/2007	(619438)
59	12/18/2007	(619439)
60	01/17/2008	(619440)
61	04/29/2008	(639697)
62	04/29/2008	(639703)
63	04/29/2008	(639707)
64	04/29/2008	(639708)
65	04/29/2008	(639711)
66	03/24/2008	(639874)
67	04/22/2008	(640492)
68	06/04/2008	(646671)
69	05/20/2008	(671627)
70	02/14/2008	(671945)
71	03/18/2008	(671946)
72	04/17/2008	(671947)
73	08/26/2008	(680027)
74	11/03/2008	(681757)
75	07/02/2008	(681880)
76	06/06/2008	(682013)
77	07/03/2008	(682028)

78	12/08/2008	(682431)
79	06/20/2008	(683391)
80	07/28/2008	(684301)
81	08/01/2008	(685339)
82	07/30/2008	(687438)
83	08/12/2008	(687925)
84	08/22/2008	(689052)
85	08/29/2008	(689053)
86	05/14/2008	(689865)
87	06/20/2008	(689866)
88	10/14/2008	(702982)
89	10/14/2008	(702989)
90	02/04/2009	(703385)
91	01/28/2009	(703392)
92	02/13/2009	(703393)
93	10/13/2008	(703732)
94	11/17/2008	(705402)
95	11/17/2008	(705404)
96	11/17/2008	(706687)
97	10/30/2008	(706840)
98	11/24/2008	(708102)
99	07/14/2008	(710637)
100	08/15/2008	(710638)
101	09/25/2008	(710639)
102	10/16/2008	(710640)
103	07/14/2008	(710641)
104	01/06/2009	(721518)
105	01/06/2009	(721523)
106	02/20/2009	(723296)
107	02/16/2009	(723984)
108	02/16/2009	(723985)
109	06/29/2009	(724359)
110	03/20/2009	(724849)
111	03/20/2009	(725378)
112	02/24/2009	(726852)
113	02/24/2009	(726862)
114	02/24/2009	(726865)
115	02/24/2009	(726874)
116	02/24/2009	(726880)
117	11/18/2008	(727417)
118	04/06/2009	(736212)
119	02/12/2009	(750164)
120	03/16/2009	(750165)
121	04/16/2009	(750166)
122	04/16/2009	(750167)
123	12/17/2008	(750168)
124	06/23/2009	(759561)
125	08/10/2009	(760734)

126	07/31/2009	(761167)
127	08/11/2009	(762921)
128	08/11/2009	(765164)
129	08/31/2009	(767513)
130	11/06/2009	(767538)
131	12/13/2009	(767543)
132	12/13/2009	(767545)
133	12/13/2009	(767547)
134	12/14/2009	(767550)
135	01/05/2010	(767553)
136	03/03/2010	(767564)
137	04/06/2010	(767606)
138	05/15/2009	(768286)
139	06/10/2009	(768287)
140	11/23/2009	(776989)
141	04/09/2010	(784203)
142	01/07/2010	(784346)
143	12/11/2009	(784537)
144	12/11/2009	(784562)
145	12/11/2009	(784564)
146	01/19/2010	(785856)
147	02/10/2010	(790032)
148	02/10/2010	(790040)
149	05/06/2010	(794067)
150	04/22/2010	(796385)
151	04/22/2010	(796387)
152	05/20/2010	(799533)
153	05/27/2010	(801971)
154	06/21/2010	(803247)
155	02/18/2010	(804427)
156	08/24/2009	(804428)
157	09/22/2009	(804429)
158	10/14/2009	(804430)
159	11/17/2009	(804431)
160	12/17/2009	(804432)
161	01/18/2010	(804433)
162	07/30/2010	(827020)
163	07/09/2010	(829610)
164	07/23/2010	(830086)
165	07/14/2010	(830505)
166	03/15/2010	(830793)
167	04/13/2010	(830794)
168	05/17/2010	(830795)
169	09/09/2010	(841766)
170	08/30/2010	(844061)
171	06/15/2010	(846239)
172	08/30/2010	(849823)
173	10/08/2010	(849826)

174	10/05/2010	(849827)
175	09/30/2010	(850191)
176	09/30/2010	(850194)
177	09/30/2010	(850201)
178	09/30/2010	(850202)
179	09/30/2010	(850203)
180	09/28/2010	(850727)
181	06/22/2011	(858019)
182	10/25/2010	(858020)
183	11/12/2010	(858023)
184	02/28/2011	(858031)
185	02/15/2011	(858035)
186	11/10/2010	(858043)
187	06/17/2011	(858046)
188	11/22/2010	(858048)
189	10/13/2010	(859969)
190	07/13/2010	(860835)
191	09/20/2010	(864461)
192	09/30/2010	(864946)
193	10/26/2010	(865510)
194	01/26/2011	(866639)
195	08/16/2010	(866799)
196	11/10/2010	(873330)
197	09/17/2010	(873871)
198	04/28/2011	(878118)
199	12/01/2010	(880015)
200	12/08/2010	(880841)
201	10/18/2010	(881473)
202	01/13/2011	(884974)
203	01/24/2011	(886439)
204	01/25/2011	(886526)
205	01/21/2011	(887668)
206	11/11/2010	(888004)
207	02/22/2011	(893337)
208	12/13/2010	(896206)
209	03/28/2011	(901932)
210	03/17/2011	(902104)
211	03/17/2011	(902127)
212	01/17/2011	(902277)
213	06/09/2011	(906472)
214	05/03/2011	(907086)
215	04/07/2011	(907947)
216	02/14/2011	(909051)
217	05/12/2011	(913615)
218	05/31/2011	(913957)
219	06/15/2011	(913960)
220	06/10/2011	(913961)
221	06/23/2011	(913963)

222	06/15/2011	(913965)
223	06/27/2011	(913966)
224	07/01/2011	(913967)
225	03/18/2011	(916315)
226	06/27/2011	(923433)
227	04/21/2011	(924756)
228	07/14/2011	(933988)
229	07/14/2011	(933991)
230	07/14/2011	(933994)
231	07/14/2011	(934001)
232	07/14/2011	(934002)
233	08/19/2011	(934126)
234	08/16/2011	(935315)
235	05/19/2011	(937995)
236	08/23/2011	(942845)
237	10/28/2011	(945189)
238	06/20/2011	(945319)
239	10/12/2011	(948957)
240	08/31/2011	(951773)
241	12/14/2011	(952190)
242	07/20/2011	(952593)
243	09/22/2011	(956739)
244	11/18/2011	(957476)
245	11/14/2011	(957477)
246	10/10/2011	(958606)
247	08/10/2011	(959275)
248	12/01/2011	(962545)
249	03/12/2012	(963134)
250	09/19/2011	(965307)
251	12/08/2011	(968932)
252	12/09/2011	(970199)
253	12/09/2011	(970206)
254	12/19/2011	(970291)
255	03/22/2012	(970611)
256	10/17/2011	(971347)
257	12/19/2011	(974384)
258	11/10/2011	(977507)
259	01/25/2012	(980939)
260	02/24/2012	(984020)
261	12/13/2011	(984273)
262	02/28/2012	(987443)
263	02/28/2012	(987466)
264	02/16/2012	(987709)
265	03/30/2012	(990078)
266	01/16/2012	(990575)
267	04/02/2012	(994584)
268	05/24/2012	(996478)
269	07/27/2012	(996538)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/31/2007 (607508) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/27/2007 (594475) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. 2324, Spec. Cond 18 OP
 FOP No. 2324, Spec. Cond. 1A OP
 NSR Permit No. 38336, Spec. Cond. 20E PERMIT
 Description: Failure to seal four (4) open ended lines in VOC service during the compliance period.

Date: 10/31/2007 (619438) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/29/2008 (595602) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 O-01258, General Terms and Conditions OP
 Description: Failure to submit the November 30, 2005 semi-annual deviation report within 30 days after the end of the reporting period.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 O-01258, General Terms and Conditions OP
 Description: Failure to submit a complete semi-annual report and annual compliance certification containing all terms and conditions of the permit for which compliance was not achieved.

Date: 03/31/2008 (671947) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/11/2008 (618763) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 18E PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to maintain open ended lines.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
 5C THSC Chapter 382 382.085(b)
 O-02319 Special Condition 1A OP
 Description: Failure to perform annual benzene tank inspections.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 5 PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to maintain heating value of fuel gas.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 9B PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to maintain flame on process flare 50Z2-C.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 10F PERMIT
 NSR 6534 Special Condition 18F PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to monitor delay of repair components on a quarterly frequency.
 Date: 04/30/2008 (689865) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2008 (689866) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/26/2008 (680027) CN603482811

 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 New Source Review Permit Num. 5084 SC 5 PERMIT
 Special Term and Condition 4 OP
 Description: Failure to maintain the six minute average and a temperature above 1465 degrees Fahrenheit on unit 55H2 (Incinerator) during the annual compliance certification period 4/30/2007 through 4/30/2008.
 Date: 08/29/2008 (689053) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 O-02323 General Terms and Conditions OP
 Description: Failure to submit the second semi-annual deviation report within the 30 day time frame.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 O-02323 General Terms and Conditions OP
 Description: Failure to submit the PCC report for the certification period of December 1, 2007 through May 31, 2008 within the 30 day time frame.
 Date: 11/03/2008 (681757) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
NSR 38336, Spec. Cond. 11 PERMIT
Spec. Cond. 18 OP

Description: Failure to maintain reactor rate hours on 70Z404 below permitted levels.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GT&C OP

Description: Failure to submit complete and accurate deviation report.
Date: 02/06/2009 (703385) CN603482811
Self Report? NO Classification: Minor
Citation: 2271, SC 5 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01258, SC 4 OP

Description: Failure to maintain water flow in Dryer Scrubber 55K1 at or above 65 gallons per minute.
Self Report? NO Classification: Moderate
Citation: 2271, GC 9 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01258, SC 4 OP

Description: Failure to collect all dust from the dust collector capture system during loading operation.
Date: 02/13/2009 (703393) CN603482811
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 20 OP
Special Condition 9A PA

Description: Failure to maintain the minimum heating value for flare 50Z-2.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 20 OP

Description: Failure to maintain emissions below Maximum Allowable Emission Rate on flare 50Z2-C.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all deviations for each 6-month period.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 20 OP
Special Condition 9B PA

Description: Failure to maintain a flame on process flare 50Z2-C.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter D 116.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 18I PERMIT

Special Condition 1A OP
Special Condition 20 OP

Description: Failure to repair valve 158963 within 15 days of leak discovery.
Date: 07/31/2009 (761167) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)
Provision II.A.7 PERMIT

Description: Facility did not have land disposal restriction documentation for waste stream 3013212H.

Date: 12/31/2009 (804433) CN603482811

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/06/2010 (767553) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 12A OP
FOP, Special Term and Condition 1A OP
NSR Permit, Special Condition 19A PERMIT

Description: Failure to maintain flare 31Z4 (31Z6 in FOP O-0231, 2007) vent gas heating at the minimum required heating value. Category B19 (g) (1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 12A OP
FOP, Special Term and Condition 1A OP
NSR, Special Condition 15E PERMIT
NSR, Special Condition 3A PERMIT
NSR, Special Condition 5 PERMIT
NSR, Special Condition 13E PERMIT

Description: Failure to prevent an open ended line on a valve at AN23 on January 22, 2009. Category C10

Date: 01/31/2010 (804427) CN603482811

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/07/2010 (767606) CN603482811

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02325 SC 11(A) OP
NSR 48895 SC 4(B) PERMIT

Description: Failure to maintain monthly monitoring for three cooling towers, EPN's E379CT3, E379CT4, and 70382E6 from April 1, 2009 at 0000 to April 30, 2009 at 2359. (Category C1 violation)

Date: 05/06/2010 (794067) CN603482811

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15C PERMIT
Special Term and Condition 1A OP

Description: Failure to maintain flare opacity at less than five minutes in a two-hour period.
(category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9A PERMIT
Special Term and Condition 18 OP

Description: Failure to maintain the liquid flow rate of scrubber 320Z322 above 10 gallons per minute.
(category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9C PERMIT
Special Term and Condition 18 OP

Description: Failure to maintain the inlet temperature of scrubber 320Z322 below 60 degrees
fahrenheit. (category C4 violation)

Date: 05/28/2010 (801971) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically,
Ascend released 374.52.0 lbs of propylene during in incident (Incident No. 136547) that
lasted 30 minutes. Ascend did not meet the demonstration criteria necessary to
present an affirmative defense for the unauthorized emissions. Ascend failed to
prevent the malfunction of the thermocouple.

Date: 09/29/2010 (850727) CN603482811

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)

Description: Failed to include speculated air contaminants released during the emissions event in the
final report.

Date: 11/10/2010 (858043) CN603482811

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14 PERMIT
Special Condition 8 OP

Description: Failure to maintain scrubber solution pH above permitted limit. (Category B19g1
Violation)

Date: 11/12/2010 (858023) CN603482811

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to include 3 deviations in the first semi-annual deviation report dated December
18, 2009. [Category C3]

Date: 02/15/2011 (858035) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)
5C THSC Chapter 382 382.085(b)
Special Condition 9A PERMIT
Special Terms and Condition 19 OP
Special Terms and Condition 1A OP

Description: Failure to maintain the net heating value of fuel gas at 300 BTU/scf or greater for the
main processing flare (EPN 50Z2-C) on September 23, 2009 from 2:14 to 2:43.
(Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Condition 2F OP
 Description: Failure to create final records for (2) two non-reportable emissions events within two weeks after the end of the emissions events. (Category C3)

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(l)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(l)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4 PERMIT
 Special Terms and Condition 1A OP

Description: Failure to prepare a written plan that requires inspection of the closed vent system of the wastewater treatment unit and failure to conduct an inspection of the closed vent system (EPN 51D6). (Category B3)

Date: 02/28/2011 (916315) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/15/2011 (913965) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
 PP VII.F PERMIT

Description: Failure to maintain a minimum differential pressure of 100 psig
 Date: 06/15/2011 (913960) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125
 V.B.3 PERMIT

Description: Failure to store containers on portable secondary containment as described in permit

Date: 06/17/2011 (858046) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5 PERMIT
 Special Term and Condition 18 OP
 Special Term and Condition 1A OP

Description: Failure to monitor 17 pumps in AN2 for fugitive emissions in October 2009 [Category C1 violation]

Date: 06/22/2011 (858019) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9C PERMIT
 Special Terms & Conditions 16 OP
 Special Terms & Conditions 17 OP
 Special Terms & Conditions 1A OP

Description: Failure to maintain the scrubber (EPN 320Z322) inlet temperature at below 70 degrees Fahrenheit from January 13, 2010 through January 16, 2010. [Category C4]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12C PERMIT
 Special Condition 4 PERMIT
 Special Terms & Conditions 17 OP
 Special Terms & Conditions 1A OP

Description: Failure to conduct the annual secondary seal inspection for the methanol tank

(EPN 320T831) internal floating roof during a consecutive 12 months, from February 24, 2009 through February 24, 2010. [Category B1]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 13C PERMIT
Special Terms & Conditions 17 OP
Special Terms & Conditions 1A OP
Description: Failure to maintain visible emissions of less than 5 minutes during two consecutive hours on May 28, 2010. [Category C4]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 1A OP
Description: Failure to monitor 90 components associated with the distribution unit from June 1, 2010 through November 30, 2010. [Category C7]

Date: 08/24/2011 (942845) CN603482811

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
5C THSC Chapter 382 382.085(b)
Description: Failure to monitor HRVOC components per the required frequency. (Category C1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC 11A PERMIT
ST&C 16 OP
ST&C 1A OP
Description: Failure to maintain the flare above 300 BTU/scf. (Category C4)
Date: 10/14/2011 (948957) CN603482811

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
ST&C 6 OP
Description: Failure to prevent unauthorized emissions due to PSV-316 O-ring failure.
Date: 11/18/2011 (957476) CN603482811

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 3(C) OP
Description: APM reported 1 deviation in which quarterly opacity monitoring on eleven stationary diesel engines was not conducted. (Category B1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354
5C THSC Chapter 382 382.085(b)
Description: APM reported 1 deviation in which quarterly LDAR monitoring on components associated with the 336 Tanks was not performed. (Category B1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Failure to report all deviations. [Category C3]
Date: 11/30/2011 (962545) CN603482811

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 19A PERMIT
 Special Condition 19D PERMIT
 Special Condition 5 PERMIT
 Special Terms and Conditions 1A OP
 Description: Failure to maintain process flare net heating value at 300 BTU/scf. (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13E PERMIT
 Special Condition 15E PERMIT
 Special Condition 5 PERMIT
 Special Terms & Conditions 12 OP
 Special Terms & Conditions 1E OP
 Description: Failure to prevent an open-ended line on a bleed valve during the reporting period.
 (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Conditions 16 OP
 Description: Failure to maintain minimum temperature of material being combusted in waste heat
 boiler (WHB). (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 2F THSC Chapter 122, SubChapter F 122.001
 5C THSC Chapter 382 382.085(b)
 Special Terms & Conditions (IV)(1) OP
 Description: Failure to do quarterly visible emissions monitoring on AN 2/3 catalyst transfer.
 (Category B3)
 Date: 03/22/2012 (970611) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions No. 1D OP
 Description: Failure to conduct the annual tank inspection for Tank 320T246-1 at least once every
 12-month period (Category B1).
 Date: 07/26/2012 (1016343) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP STs & Cs 1(A) and 17 OP
 NSR SC 19E PERMIT
 Description: Failure to seal an open-ended line in Volatile Organic Compound (VOC) service.
 (Category C10)
 Date: 07/31/2012 (096538) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition (ST&C) 1(A) OP
 Description: Failure to submit the annual RATA Test Report within the required timeframe. (Category
 C3)

F. Environmental audits.

Notice of Intent Date: 01/31/2008 (641816)
 No DOV Associated
 Notice of Intent Date: 07/07/2009 (762800)
 Disclosure Date: 08/28/2009
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)

Description: Failure to calibrate implement annual calibration continuous flow monitors for cooling towers E379CT3, E379CT4, and 70382E6.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to authorize volatile organic compounds (VOCs) from tanks E332S1-1, E332S1-2, E332T1-1, E332T1-2, E336T1-1, E336T1-2, E336T2-1, and E3362-2 and particulate matter emissions from cooling towers E379CT3, E379CT4, and 70382E6 by permits by rule (PBRs).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

Description: Failure to accurately report annual nitrogen oxide emissions from EPN E350H1-1 due to calculation errors.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(a)(1)

Description: Failure to ensure wastewater treatment VOC emissions are less than 25 tons per year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(h)

Description: Failure to stack test EPN E334P71 and E334GEN quarterly for nitrogen oxides and carbon monoxide from April 2005 through April 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(a)(8)

Description: Failure to meet emission standards for EPN E334P71 and E334GEN and failure to report in the semiannual engine report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(1)

Description: Failure to ensure E334-GEN is accounted for in the mass emission cap and trade (MECT) program.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Violations from this audit were not reported in the Title V deviation reports.

Notice of Intent Date: 03/16/2011 (914912)

No DOV Associated

Notice of Intent Date: 04/30/2012 (1020775)

No DOV Associated

Notice of Intent Date: 05/14/2012 (1013342)

No DOV Associated

G.	Type of environmental management systems (EMSs).	N/A
H.	Voluntary on-site compliance assessment dates.	N/A
I.	Participation in a voluntary pollution reduction program.	N/A
J.	Early compliance.	N/A
	Sites Outside of Texas	N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ASCEND PERFORMANCE
MATERIALS OPERATIONS LLC
RN100238682

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2012-1543-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ascend Performance Materials Operations LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant on Farm-to-Market Road 2917, approximately eight miles south of the intersection of State Highway 35 and Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY Code § 382.003(12).
3. During an investigation on April 27, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that began on March 30, 2012 (Incident No. 166865). Specifically, 20,673.82 pounds ("lbs") of acrylonitrile ("AN"), 2,282.14 lbs of hydrogen cyanide ("HCN"), and 91.19 lbs of volatile organic compounds ("VOC") were released from Cooling Tower No. 6 ("CT6"), Emission Point No. ("EPN") 70382E6, during the event that lasted 167 hours and 44 minutes. The event occurred due to an unintentional partial cut made on the heat exchanger tube during a maintenance activity conducted by contractors in October 2011.
4. During an investigation on June 21, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 16, 2012 (Incident No. 168543). Specifically, 8,143.29 lbs of acrylonitrile, 2,825.63 lbs of HCN and 508.33 lbs of VOC were released from CT6 during the event that lasted 8 hours and 45 minutes. The event occurred due to corrosion/erosion of the heat exchanger's steel support baffles causing the tubes to fail, resulting in a leak from CT6.
5. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to report all instances of deviations. Specifically, in the December 29, 2011 semi-annual deviation report, the Respondent did not disclose the failure to conduct quarterly visible emission observations for the Solid Waste Treatment Unit and the Acrylonitrile Unit 3 Catalyst Transfer Operations during the third quarter of 2011. In the May 30, 2012 semi-annual deviation report, the Respondent did not disclose the late submittal of the startup, shutdown, and malfunction report, and the excess emissions and monitoring system performance report submitted as part of the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart EEE Hazardous Waste Combustor Maximum Achievable Control Technology report dated February 6, 2012.
6. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to submit a startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe. Specifically, the report was due by January 30, 2012 but was not submitted until February 7, 2012.
7. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to submit the excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period

within the required timeframe. Specifically, the report was due by January 30, 2012 but was not submitted until February 7, 2012.

8. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to perform quarterly visible emission observations during the third quarter of 2011 (July 1, 2011 to September 30, 2011) for the Acrylonitrile Unit 3 Catalyst Transfer Operations and the Solid Waste Treatment Unit, during the fourth quarter of 2011 (October 1, 2011 to December 31, 2011) for the Acrylonitrile Unit 3 Catalyst Transfer Operations and the Solid Waste Treatment Unit, and during the first quarter of 2012 (January 1, 2012 to March 31, 2012) for the Solid Waste Treatment Unit.
9. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to maintain the flare net heating value above 300 British Thermal Units/standard cubic foot ("BTU/scf") for Flare Nos. 30Z7 and 31Z4. Specifically, the net heating value for Flare No. 31Z4 dropped below 300 BTU/scf on July 2, 2011 for one hour, on July 24, 2011 for two hours, on September 25, 2011 for one hour, and on October 13, 2011 for one hour. The net heating value for Flare No. 30Z7 dropped below 300 BTU/scf on June 3, 2011 for five hours, on June 4, 2011 for nine hours, and on March 9, 2012 for one hour.
10. During an investigation on June 21, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 29, 2012 (Incident No. 168998). Specifically, 2,660.67 lbs of AN, 381.5 lbs of HCN, 177.79 lbs of acrolein ("AR"), and 29.15 lbs of acetonitrile were released from CT6 during the event that lasted 2 hours and 40 minutes. The event occurred due to corrosion/erosion of the heat exchanger's steel support baffles causing the tubes to fail, resulting in a leak from CT6.
11. During an investigation on November 1, 2012 through December 10, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on September 1, 2012 (Incident No. 173029). Specifically, 13,209.79 lbs of AN, 1,068.02 lbs of carbon monoxide, 92.59 lbs of ACN, 544.98 lbs of propane, 75.09 lbs of propylene, and 96.72 lbs of HCN were released from the Acrylonitrile Unit 2 Waste Heat Boiler ("WHB") EPN 30H5 during the event that lasted 21 minutes. The event occurred when AN process material containing organics entered the condensate outlet stream through a leak in heat exchanger EPN 30E21, and migrated into the absorber column. The contaminants eventually discharged into the WHB, where they were combusted, causing a temperature spike in the WHB. The WHB tripped off-line, and the absorber off-gas was diverted away through a vent, resulting in the release of the unauthorized emissions.
12. The Respondent received notices of the violations on July 23, 2012, October 12, 2012, December 10, 2012, February 6, 2013, and February 22, 2013.

13. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 7, 2012, submitted the following reports:
 - i. The startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period; and
 - ii. The excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period.
 - b. On March 9, 2012, increased the net heating value for Flare Nos. 31Z4 and 30Z7 above 300 BTU/scf;
 - c. On April 1, 2012, implemented operational and administrative procedures to ensure that the required visible emission observations are conducted;
 - d. By July 4, 2012, completed the following corrective measures as indicated in the corrective action plan ("CAP") dated September 21, 2012 in order to prevent a recurrence of similar emissions events as Incident Nos. 166865, 168543, and 168998:
 - i. Rebuilt the heat exchangers;
 - ii. Replaced the carbon steel tubes with stainless steel supports;
 - iii. Added additional tube supports to mitigate vibration issues that might affect the structural integrity of the replacement tube supports;
 - iv. Replaced the carbon steel distributor plates with stainless steel;
 - v. Eliminated the top row of tubes to allow greater spacing between the remaining tubes and distributor plates; and
 - vi. Eliminated ten tubes in each exchanger bundle to serve as inspection ports.
 - e. On September 21, 2012, submitted a CAP to address the excessive emissions events that began on March 30, 2012 (Incident No. 166865), on May 16, 2012 (Incident No. 168543), and on May 29, 2012 (Incident No. 168998);
 - f. On March 12, 2013, received Commission approval for the CAP dated September 21, 2012; and
 - g. On June 21, 2013, submitted a CAP to address the excessive emissions event that began on September 1, 2012 (Incident No. 173029).

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that began on March 30, 2012 (Incident No. 166865), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 48895, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-2325, Special Terms and Conditions ("STC") No. 19.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 16, 2012 (Incident No. 168543), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. O-2325, STC No. 19.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-2321, General Terms and Conditions.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to submit a startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.10(d)(5)(i), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to submit the excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.10(e)(3)(v), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to perform quarterly visible emission observations, in violation of 30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-2321, STC Nos. 3(A)(iv)(1) and 3(B)(iv)(1).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to maintain the flare net heating value above 300 BTU/scf for Flare Nos. 30Z7 and 31Z4, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.126(1)(B), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), FOP No. O-2321, STC No. 1.A., and NSR Permit Nos. 18251 and N-011, SC Nos. 5 and 19A.

9. As evidenced by Findings of Fact No. 10, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 29, 2012 (Incident No. 168998), in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. O-2325, STC No. 19.
10. As evidenced by Findings of Fact No. 11, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on September 1, 2012 (Incident No. 173029), in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit Nos. 18251 and N-011, SC No. 1.
11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Eighty-Seven Thousand Six Hundred Ninety-Five Dollars (\$87,695) of the administrative penalty. Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ascend Performance Materials Operations LLC, Docket No. 2012-1543-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 12 above, Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP dated June 21, 2013 within 15 days after the date of such requests, or by any other deadline specified in writing;
 - b. Within 30 days of the effective date of this Agreed Order, implement improvements to the recordkeeping system to ensure that deviation reports are submitted in an accurate and timely manner;
 - c. Within 45 days of the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.b., as described in Ordering Provision No. 3.f.;
 - d. Upon Commission approval, implement the CAP dated June 21, 2013 in accordance with the approved schedule;
 - e. Within 15 days upon completion of the implementation of the CAP dated June 21, 2013, submit written certification to demonstrate compliance with Ordering Provision No. 3.d., as described in Ordering Provision No. 3.f.; and
 - f. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c. and 3.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

11/17/14
Date

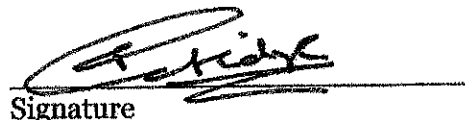
I, the undersigned, have read and understand the attached Agreed Order in the matter of Ascend Performance Materials Operations LLC. I am authorized to agree to the attached Agreed Order on behalf of Ascend Performance Materials Operations LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Ascend Performance Materials Operations LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7/17/13
Date

Paul CARLEDGE
Name (Printed or typed)
Authorized Representative of
Ascend Performance Materials Operations LLC

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-1543-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials Operations LLC
Penalty Amount:	One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389)
SEP Offset Amount:	Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Brazoria County
Project Name:	<i>Brazoria County Vehicle and Equipment Program</i>
Location of SEP:	Brazoria County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *Brazoria County Vehicle and Equipment Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

Retirement of Vehicles. The Third-Party Administrator shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current U.S. Environmental Protection Agency ("EPA") low-emission standards. The Third-Party Administrator shall ensure that equipment and vehicles being retired are operational and

Ascend Performance Materials Operations LLC
Agreed Order - Attachment A

that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Administrator shall submit proof of registration, decommissioning, and scrappage by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Administrator shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the EPA or the California Air Resources Board ("CARB") as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, the Third-Party Administrator shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas, and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by the older

replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Brazoria County
Attention: Richard Hurd
313 West Mulberry
Angleton, Texas 77515

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

Ascend Performance Materials Operations LLC
Agreed Order - Attachment A

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.